State of New York

IN MEMORIAM

FRANK WAYLAND HIGGINS

GOVERNOR

1905-1906

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Frank O. Briggs

Proceedings of the Legislature

of the

State of New York

commemorative of the

Life and Public Services

of

Frank Wayland Higgins

Late Governor of the State

held at the

Capitol, Monday Evening, April 8, 1907

Albany, New York

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STATE PRINTERS
1909

In Memoriam

Frank Wayland Higgins

Born August 18, 1856
Died February 12, 1907

Governor of the State of New York
1905-1906

Lieutenant-Governor
1903-1904

Senator
1894 to 1902

Committee of the Senate

Horace White — Albert T. Fancher

William F. Tully — Samuel F. Ramsperger

James F. Frawley

Committee of the Assembly

Jesse S. Phillips — Jean L. Burnett

John R. Patton — Charles W. Mead

F. Maybew Wainwright — John F. Volk

John C. Hackett — Thomas F. Farrell

Frank S. Burzynski

Proclamation by the Governor

STATE OF NEW YORK,

EXECUTIVE CHAMBER,

ALBANY, February 13, 1907.

To the Legislature:

IT is with deep sorrow that I announce the death at Olean on February 12th of FRANK WAYLAND HIGGINS, recently Governor of this State. His public career and the distinguished services rendered by him to the State are fresh in your memory. For eight consecutive years he sat in the Senate and by the nobility of his character, his sagacity, and his conscientiousness in the discharge of every duty he won the friendship and high esteem of all his colleagues regardless of party affiliations. Later, as Lieutenant-Governor, he presided over the deliberation of the Senate with dignity and impartiality. His administration as Governor was characterized by honesty of purpose and by painstaking fidelity, and was made notable by the achievement of most important reforms. As his health failed he continued his work without flinching, counting no personal sacrifice too great which would enable him to perform his duty. No soldier on the battle field ever exhibited greater herosim than was his when, at the peril of his life, he made his public appearance to discharge what he conceived to be his public duty on the occasion of his successor's inauguration.

He was a man of the highest integrity and he has left to the people of the State the precious memory of a character without blemish.

In recognition of his services I have ordered that the flags upon the public buildings be displayed at half mast, and I recommend such further action by the Legislature as may be deemed appropriate.

CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER, *Secretary.*

Proceedings of the Legislature

of the

State of New York

In Senate, Wednesday, February 13, 1907

AFTER the reception and reading of the proclamation of the Governor, Mr. Raines moved that, out of respect to the memory of former Governor Higgins, the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative by a rising vote.

In Assembly, Wednesday, February 13, 1907

Immediately after the reading of the journal, Mr. Volk said: Mr. Speaker, it is my painful duty to announce to my colleagues in this House the death of Frank W. Higgins, a distinguished resident of my district, a former State Senator, Lieutenant-Governor, and Governor of the State of New York.

Appreciating the deep sorrow which his death has caused, not only in this body but throughout the State, and knowing well the esteem in which he was held, I move that when the House adjourns it do so out of respect to the memory of the Hon. Frank W. Higgins.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative by a rising vote.

On Thursday, February 14, 1907, the following resolution was adopted by the Senate and concurred in by the Assembly:

WHEREAS, The announcement of the death of Frank Wayland Higgins, late Governor of the State, has occasioned deep sorrow to all citizens, and especially to the members of the Legislature, in which body, as a member of the Senate, and also as its presiding officer, he had long rendered most faithful and acceptable service; be it

Resolved, That a joint committee of the Senate and Assembly, consisting of sixteen Senators, including the Temporary President of the Senate, and nineteen members of the Assembly, including the speaker of the Assembly, be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to represent the Legislature at the funeral of ex-Governor Higgins. It is further

Resolved, That a committee of five Senators and nine members of the Assembly be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to prepare suitable resolutions, and to arrange for appropriate public memorial exercises in commemoration of the life and services of Governor Higgins. It is further

Resolved, That, out of respect to the memory of the deceased, no session of the Legislature shall be

held on Friday, February 15th, but that when the Legislature adjourns today, it be to meet on Monday evening, February 18th, at 8:30 o'clock.

The President appointed as the committee to attend the funeral, Senators Raines, Grady, White, Davis, McCarren, Wilcox, Armstrong, Cullen, Hill, Fancher, Ramsperger, Allds, Tully, Frawley, Gates and Boyce.

The Speaker appointed as such committee on the part of the Assembly, Messrs. Wadsworth, Moreland, Phillips, Rogers, Patton, Hammond, Dowling, Burnett, Prentice, Volk, Mills, Averill, Allen, Hamilton, Burns, Hackett, Burzynski, A. E. Smith and J. A. Foley.

Monday, February 18, 1907

In accordance with a concurrent resolution of the Senate and Assembly heretofore adopted, the President of the Senate appointed as the committee on the part of the Senate to arrange for memorial exercises in honor of the late Frank Wayland Higgins, former Governor of this State, Senators White, Fancher, Tully, Ramsperger and Frawley.

The Speaker appointed as such committee on the part of the Assembly, Messrs. Phillips, Burnett, Patton, Mead, Wainwright, Volk, Hackett, Farrell and Burzynski.

In Memoriam

In Senate, Monday, April 8, 1907

Pursuant to the arrangements made by the special committee of the Senate and Assembly, the President left the chair and with the Senate proceeded to the Assembly chamber to join in the exercises in memory of the late Frank Wayland Higgins.

Assembly Chamber, Monday, April 8, 1907

The Legislature having met in joint session in the Assembly chamber, Senator Horace White, chairman of the joint committee, called the meeting to order.

Prayer was offered by Rev. James W. Ashton, D.D., of Olean, as follows:

Let us pray. Almighty and ever gracious and glorious Lord, creator of all things and governor of everything, mercifully look upon Thy servants in the Assembly in Thy name and presence, and bless and prosper all our works, begun, continued and ended in Thee. Graciously bestow upon us wisdom in all our doings, strength in all our difficulties and the beauty of holiness and harmony in all our connections. Let Faith be the foundation of our hope and Charity the fruit of our obedience to Thy revealed will. O Thou preserver of men, graciously enable us now to conduct these exercises which we have undertaken to the honor and glory of Thy name, and be mercifully pleased to accept this service at our hands.

May all who are lawfully appointed to rule in our country, both in state and nation, according to the

constitution, be under Thy special guidance and protection, and faithfully observe and fulfill all their obligations to Thee and to their fellow citizens. Have mercy upon this whole land, and so rule the hearts of Thy servants, the President of the United States, the Governor of this State and all others in authority, that they, knowing whose ministers they are, may above all things seek Thy honor and glory, and that we and all the people, daily considering whose authority they bear, may thankfully and abundantly honor Thee, in Thee and for Thee, according to Thy blessed word and guidance. May all who come within these halls of legislation have one heart and one mind to love, to honor, to fear and to obey Thee as Thy majesty and unbounded goodness claim, and to love one another as Thou has loved us, and may every discordant passion be here banished from our bosoms.

We meet here tonight as a band of brothers in Thy presence, guided by the same Almighty hand, daily sustained by the same beneficent Providence, and traveling the same road through the gates of Death. "Man that is born of a woman hath but a short time to live and is full of misery. He cometh up and is cut down like a flower. He fleeth as it were a shadow and never continueth in one stay. In the midst of life we are in death." Of whom may we seek for succor but of Thee, O Lord, who for our sins art justly displeased. Yet, O Lord, God most holy, O holy and most merciful Saviour, deliver us not into the bitter pains

of eternal death. Thou knowest, Lord, the secrets of our hearts. Shut not Thy merciful ears to our prayer, but spare us, Lord most holy, O God most mighty, Thou most worthy Judge eternal. Suffer us not at our last hour for any pains of death to fall from Thee. It hath pleased Thee, Almighty God, in Thy wise providence, to take out of this world the soul of our deceased brother. We have committed his body to the ground, earth to earth, ashes to ashes, dust to dust, looking for the general resurrection in the last day and the life of the world to come, through our Lord Jesus Christ, at whose second coming in glorious majesty to judge the world, the earth and the sea shall give up their dead, and the corruptible bodies of those who sleep in Him shall be changed and made like unto His own glorious body according to the mighty working whereby He is able to subdue all things unto Himself. Wherefore, Almighty God, with whom doth live the spirits of those who depart hence in the Lord, we give Thee hearty thanks for the good examples of all those Thy servants who having finished their course in faith do now rest from their labors; and we beseech Thee that we with all who are departed in the true faith of Thy holy name may have our perfect consummation and blessing, both in body and soul, in Thy eternal and everlasting glory.

We thank Thee for the good example of Thy servant, the late Governor of this Commonwealth, who was faithful in duty and brave in death, the full

vessel of Thy grace and a light of the world in his generation; and we humbly pray that in our vocation or ministry, in that part or station of life to which Thou has been pleased to call us, we may truly and heartily serve Thee.

O merciful God, the Father of our Lord Jesus Christ, who is the resurrection and the light, in whomsoever believeth shall live, and whosoever loving and believing in Him shall not die. We humbly beseech Thee, O Father, to raise us into the life of righteousness, and finally, O merciful God, O heavenly Father, who has taught us in Thy Holy Word, lead us to the life everlasting. Look with pity upon the sorrows of all these Thy servants to whom has come the distress of this bereavement. Remember them, O Lord, in mercy. Sanctify them and endow their souls with patience under this affliction and with resignation to Thy blessed will. Comfort them with the sense of Thy kindness, lift up Thy countenance upon them and give them peace. And when the time of our labor shall draw near to its end, the pillars of our strength decline to the ground, enable us then to pass through the valley of the Shadow of Death, supported by Thy rod and staff to those mansions beyond the skies where love and joy and peace forever reign.

To our prayers, O Lord, we join our unfeigned thanks for all Thy goodness and kindness to us and to all men, for our correction, preservation and all the blessings of this life, and above all for Thy redemption of the world by Thy Son, the Lord Jesus Christ.

In Memoriam

We humbly beseech Thee, give us that due sense of Thy mercies that our hearts may be unfeignedly thankful, that we show forth Thy praise not only with our lips but with our hearts by giving up ourselves to Thy service and by working before Thee with righteousness all our days. Grant us, O Lord, that Thy blessings may be so grounded inwardly in our hearts by Thy grace that they may bring forth in us the fruit of good living, to the honor and praise of Thy name, through Jesus Christ, our Lord.

The grace of our Lord Jesus Christ, and the love of God, and the fellowship of the Holy Ghost be with us forevermore. Amen.

After an anthem by the choir of St. Peter's Church, Mr. White said:

We are assembled here pursuant to a joint resolution of the Senate and Assembly to pay the last affectionate tribute to the noble life and great public services of the late Governor of the State, Frank Wayland Higgins. Let me present as the presiding officer of the evening Governor Charles Evans Hughes.

Governor Hughes upon taking the chair spoke as follows:

Mr. Chairman, Members of the Senate and Assembly and Fellow Citizens: We have gathered to show our respect and esteem for a distinguished citizen, recently Governor of this State. In the time of our busiest activities, engrossed with duties of vast importance, we have been sharply reminded of the

uncertainty of life and of the permanent value of character. We cannot afford to lose any opportunity to state in proper perspective those qualities of mind and of heart which evidence themselves in self-sacrifice and in loyal devotion to duty.

More important than increase in population or in wealth is the enrichment of the State in those examples of high-minded citizenship, through which alone we can protect ourselves against becoming the victims of our material success. I have already expressed my appreciation of the long-continued and efficient service of him in whose honor we have met. He was a faithful public servant, and in the many important offices that he filled he revealed a sincerity of purpose and an integrity of character which will always be remembered.

Anthem by the choir of St. Peter's Church:

LEAD, kindly Light, amid the encircling gloom,
Lead Thou me on;
The night is dark, and I am far from home,
Lead Thou me on.
Keep Thou my feet; I do not ask to see
The distant scene; one step enough for me.

I was not ever thus, nor pray'd that Thou
Shouldst lead me on;
I loved to choose and see my path; but now
Lead Thou me on.
I loved the garish day, and, spite of fears,
Pride ruled my will: remember not past years.

So long Thy power hath blest me, sure it still
Will lead me on.
O'er moor and fen, o'er crag and torrent, till
The night is gone;
And with the morn those Angel faces smile,
Which I have loved long since, and lost awhile.

In Memoriam

Governor Hughes: it is with pleasure that I now introduce to you Jacob Gould Schurman, President of Cornell University, who will make the formal address of the evening.

Memorial Address

in honor of

The Late Governor Higgins

delivered by

Jacob Gould Schurman

President of Cornell University

Assembly Chamber, Albany

Monday Evening, April 8, 1907

Frank Wayland Higgins

Address by Jacob Gould Schurman

GOVERNOR HUGHES, Honorable Gentlemen of the Senate and Assembly, Ladies and Gentlemen:

We are met to-night to commemorate the life and services of Frank Wayland Higgins, the last Governor of our State. He was an honest man, a high-minded and honorable gentleman, a patriotic citizen and a faithful and efficient public servant.

May our commonwealth teem with men like its last Governor! Their solidity of character and disinterested devotion to the public good constitute the bone and sinew of the best American citizenship. Nor shall a community moulded by their influence be without greater men and even the greatest, as you will see from the past history of our State. To-night I mention two of these whose names a chance association of dates has recalled. The life of Mr. Higgins filled out half a century. If you go back another half century to January 11, 1807, you come to the birthday of a citizen whose name is likely to be current as long as the State endures — that great philanthropist, Ezra Cornell. And receding another half century and pausing at the

same month and the same day of the month — January 11, 1757 — you arrive at the nativity of a man who, born in a West Indian island, became the foremost citizen of New York, and, after Washington, the best master builder of our republic. And this great and illustrious name recalls us to our theme. For, as I shall later explain, it is almost certain that Mr. Higgins was, indirectly, the gift of Alexander Hamilton to the State of New York.

Mr. Higgins's Family.

Frank Wayland Higgins was born in the village of Rushford, Allegany county, on the 18th of August, 1856. He died at Olean on the evening of February 12, 1907.

The family of Mr. Higgins is of English origin, and the ancestral line can be traced back to the time of King Edward the First. But the English ancestor most important to the American genealogist is that Richard Higgins who was born in Langley Parish, Stoke Hundred, Hertfordshire, in the year of the death of Queen Elizabeth, when the House of Tudor was succeeded by the House of Stuart, under whose oppressive sway Englishmen migrated to America for the protection and preservation of their religious faith and civil liberties. Among those who came to Plymouth Plantation was Richard Higgins, with others of his family. He held an official relation to the colony for thirty-three years, during which he performed services of importance and honor. The Higgins family continued to reside in Massachusetts

until prior to the Revolution, when they removed to Middlesex county, Connecticut, and at the outbreak of the Revolution they were engaged in ship building on the Connecticut river. But the family could fight as well as build ships or found colonies. And early in the war we find five brothers enrolled among the Continental soldiers, one of them a member of Alexander Hamilton's Connecticut company. And as Hamilton was interested in land in that portion of Western New York which afterwards became the county of Allegany, it is a surmise of much probability that the connection of the Connecticut soldier with Alexander Hamilton led to members of the Higgins family acquiring land in Allegany county early in the nineteenth century and removing there. They were joined by a young relative who had been practicing medicine in Montreal, Canada, Dr. Timothy Higgins, a native of Connecticut, who continued to reside in Allegany county till his death at an advanced age. His son, Orrin Thrall Higgins, was the father of the future Governor of New York.

Mr. Higgins' mother, Lucia Cornelia Hapgood, died when he was but a child. She was descended from early settlers in the colony of Massachusetts Bay, the Taylors and Hapgoods, who arrived in 1631, who were among the founders of Hartford, Connecticut, and whose descendants furnished soldiers to the colonial and revolutionary wars, as well as a statesman to the Colonial Congress. Of this New England stock, Mrs. Higgins admirably exemplified its culture and character, its virtues and graces,

along with a brightness and joyousness of life to which even the best New England type does not always manage to attain.

Orrin Thrall Higgins is one of the multitude of men who have verified Emerson's saying that "America is another name for opportunity." Nature has supplied our country with an infinitude of resources, and our people have an infinitude of wants. The man of organizing genius knows how to satisfy these wants with those resources; he perceives a demand, actual or probable, and forthwith he furnishes the commodities to supply it. He is a benefactor to society, and society does not begrudge him compensation for his service or profit on the capital he risks in enterprises to meet future demands. And so Orrin Thrall Higgins prospered. He was a business man of great ability. Recognizing their future value in 1853 and subsequent years he purchased timber lands in Michigan, Wisconsin, Minnesota, Oregon and Washington. Latter he purchased iron ore lands on the Mesaba and other ranges in Minnesota. He built up grocery stores in Olean and in the neighboring oil regions of Pennsylvania. But this prosperous merchant was as honest as he was successful. His personal notes circulated as currency in Western New York during the days of stringency in the money market at the time of the Civil war. And while his word was as good as gold, he carried justice and fair play into business, recognizing the rights and claims of competitors and abhorring the doctrine that a rival's ruin was the road to fortune.

The son of such a father was well born. And Frank Wayland Higgins was worthy of his lineage. Devoting his life to business and the public service, despite the alluring and multifarious temptations to which that career exposed him, he never swerved from that path of honor and integrity which his father had traveled before him. Pre-eminently Frank Wayland Higgins was an honest man. And let us never forget that

"An honest man 's the noblest work of God."

Education and Business.

But before studying the man let us glance at his childhood and boyhood. Though his mother died so early, it is pleasing to learn that she stimulated and developed the child's taste for music and art—an æsthetic education which was happily continued after her death. Some of the boy's drawings hang to-day upon the walls of the house at Olean. But the effects of his musical training were deeper and more lasting. Throughout his youth and manhood he was never more happy than when joining with his full rich voice in the old hymns of his childhood. He was a lover, too, of classical music. And in the severe strain of the last years of his life the only rest he found was in listening to music in the privacy of his own family circle.

His scholastic education young Higgins received first at the Rushford Academy and later at the Riverview Military Academy at Poughkeepsie, from which he graduated in 1873. This was followed by a

course in a commercial college. He seems to have shown no special talent for scholarship, though a boy of quick and alert intelligence. Henceforth books played a large part in the development of his powers through constant private study along economic and historical lines and important training came from intercourse with men and affairs. At an early age he traveled extensively in his own country and, perhaps, gained the first impetus for public life in his journey through the Yellowstone region with Generals Grant and Sherman. After a brief experience in business in Chicago and Denver we find this youth at nineteen engaged in the mercantile business on his own account at Stanton, Michigan. In 1879 he entered his father's office in Olean, New York, for the purpose of assisting him in his widely extended business acquiring a partnership in the same. Upon the death of his father Mr. Higgins inherited one-half of his father's estate. Already he had purchased timber lands in common with his father. And later he was to make further acquisitions in the States of Oregon and Washington. To the management of these properties his energies as a business man were mainly devoted. Yet he did not abandon the grocery business, into which, in 1890, he introduced the significant and hopeful experiment of profit-sharing.

Many a reformer has seen in this method of co-operation between capitalist and employees the solution of the grave economical problem which presses to-day with such force upon all thoughtful minds. If the plan of profit-sharing is to succeed,

it can only justify itself by its results. Whether Mr. Higgins' motive was philanthropy or self-interest — the improvement of the condition of the employees or the enlargement of his profits, or both together — one is grateful to him for having made the experiment, and made it at a time when no ulterior political motives could have been attributed to him. He lent the capital employed in the business; the profits, beyond a certain return for the use of the capital, were divided among the employees. The experiment proved a success.

Mr. Higgins was in all his undertakings a successful business man. Whether he could have created a large business for himself is a question we need not consider. The qualities he possessed admirably fitted him to conserve and augment the estate which he inherited, and they were in turn fostered and developed by that employment. In his business there was no call for that bold initiative, that prophetic and far-seeing anticipation of future circumstances by which great fortunes have been created. For the safe-keeping and the increase of the property he had inherited, thrift, caution, conservatism and prudent judgment were the indispensable qualities. And these traits were as natural to Mr. Higgins, as much a part of his make-up, as his love of music, his sense of honor and his perfect integrity of character.

Personal Characteristics.

I consider honor and integrity the foundation of Mr. Higgins' character. Superimposed upon this

"Suggestions will be welcome, dictation repelled, and in the end my individual judgment alone must determine my official actions."

Here is a man who, in office and in private life, exercises the highest functions of personality; he wills his own acts and takes the responsibility for them. No automaton, this, but an independent, self-asserting spirit!

Men of self-reliance and backbone are apt to be courageous. And Mr. Higgins was no exception to the rule. What do we mean by courage? Is it not a readiness to face pain and danger? And when a man endures these ills in a good cause his courage is no longer a brute instinct but a moral attainment. Of Mr. Higgins, a Senator who knew him intimately writes: "I have never known a man who I thought possessed greater moral courage." While his friends recognized and admired his heroic bravery, the public scarce suspected its existence. The multitude discern and applaud courage in the hero of the battle field, but in this modest civilian, small of stature, hating the glare of publicity, how should they be expected to discover it? Many actually thought him timid. Conservative he was, naturally averse to radical change, but timid never. With all the world against him here was a man brave enough not to be frightened into acting on the clamorous advice of others contrary to his own deliberate judgment. He was always brave enough to do what he thought his duty, and he did many things no timid man would have had the courage to do. When warned

that official acts of his would be unpopular he would reply: "I am not afraid of the censure of public opinion; I shall be content if I satisfy my conscience." It takes a brave man to defy public opinion whether it is right or wrong. But Governor Higgins, out of loyalty to his own conscience and judgment, repeatedly defied it; and the public resentment has not yet yielded, as it one day will yield, to grateful admiration of his courage and independence.

There was no fear in the composition of this brave man. He had the Puritan's sense of duty and the Puritan's contempt of pain and danger. Twenty years before his death he became aware that he had a valvular trouble of the heart. Soon after the beginning of his work as Governor he was warned by a celebrated physician of the increasing seriousness of his malady, but he did not permit the warning to conflict with the idea of duty toward the State which was regnant in all his thoughts and acts. In the spring of 1906 the condition of his health had become so serious that he was advised by the best medical experts to resign his office and go abroad. But though he then decided finally and irrevocably to retire from office at the end of his term — and his mind never wavered from that determination in spite of the strenuous efforts made to induce him to become a candidate for a second term — he could not bring himself to abandon the post to which his fellow-citizens had summoned him. The appointed day's work must be done. Whatever the consequences to himself he would not flinch from the per-

formance of his official duty. He knew that he lived and worked in the encompassing shadow of death. Against the contingency of a sudden taking off in the absence of his family, he would have a friend stay with him at night in the Executive Mansion. His affection for his family and his devotion to their happiness forbade his confiding to them the precarious tenure of his life. Why bring on those he loved unhappiness and sorrow on account of sufferings they could not alleviate or an issue no human power could avert? So his deep, loyal affection led him to bear his burden alone. Silently and bravely this heroic man went about his daily duties. And at last, wasted with disease, his strength exhausted, he saw the year close and the day of his delivery dawn. One act only remained to be performed—to come back to Albany and assist in the inauguration of his successor in office. And though his physician forbade him to take part in the ceremony, and his family importuned him to save his waning strength, naught availed against his courage, his devotion to duty and his deep sense of the respect and honor due to the Chief Magistrate of the Commonwealth. He came here and did his duty, though the strain probably shortened his days. Say what you will of his public policies and administration—and of these I shall speak hereafter—here certainly was a brave, high-minded and heroic man.

I have spoken of the part played by domestic affection in the life of Mr. Higgins. This is not a subject on which one can with propriety dilate in

a public discourse. Yet our picture of the man would be very incomplete if all reference to his home life were omitted. Early in his life, in June, 1878, he married Miss Kate Corrinne Noble, of Sparta, Wisconsin. Four children were born to them of whom one died in infancy, two sons and a daughter survive. Mr. Higgins' family was very dear to him, and their happiness and welfare were his constant aim. But love and happiness did not escape the alloy of suffering with which an inscrutable Providence is wont to temper their ecstasies. The physical ills of his family, which were sometimes serious, were the cause of intense suffering to the father. But the strands of life are woven together of joy and sorrow. And in that beautiful house at Olean—a house equally removed from sordidness and from magnificence—the neighbors recognized, till the angel of death shrouded it in gloom, one of those ideal homes in which the sweet charities of parents and children and the mutual ministrations of their love and service yield to mortal life its deepest and its purest joy and invest it, if anything temporal can invest it, with the halo and promise of eternity.

Entrance on Public Life.

There is one other personal characteristic which I must not forbear to mention; for it was deeply rooted in Mr. Higgins and made itself felt not only among his personal friends, but also among casual acquaintances and political associates. I have already mentioned his fundamental integrity of char-

acter. Honesty and sincerity go together, and Mr. Higgins was a man of transparent sincerity of thought and purpose. There was no guile in his nature. The note of genuineness—of being simply what he was and not desiring to appear otherwise—was indubitable and irresistible. And with this downright reality, this genuineness, this sincerity—all of which may be explained as honesty from another point of view—Mr. Higgins was also characterized by what I may call self-centered modesty—a quality which many a high official though equally honest finds altogether unattainable or even inconceivable. I have called this characteristic "self-centered modesty," because it seems to me to have been made up of two distinct and separable elements. It was not a mere timid, bashful shrinking from public view or public recognition. Rather was it an indifference to public appraisal because of what Tennyson once happily called a sense of central dignity. He thought that the merits of his acts and motives would be recognized without label. The spectacular methods of attracting attention and winning approval were wholly distasteful to him. The drum and trumpet style he could not adopt. Never did a worse self-advertiser sit in the Governor's chair. The goal of his ambition was not to have the public think highly of him, but to do the best he could for the public; and if his own judgment and conscience were satisfied he troubled himself little about the verdict of the public. It may well be that, for a public man, this quality was not an un-

mitigated excellence. The successful statesman must take account of intelligent public opinion, for public opinion is the force that makes and unmakes governments. But in an age when so many politicians take their programme from the last edition of the most sensational newspapers and can live only in the limelight of publicity and praise, it is refreshing to see a man who steers the ship of state by the stars of truth and right as God gives *him* to see the truth and right, careless of the admiration of spectators, careful only that the task be well and wisely done.

I have been noting some of the characteristics of Mr. Higgins. They were certainly of an order to evoke the confidence, the admiration and even the affection of his friends and neighbors. Recall also the circumstance of his successful career in business and add the fact that he early showed an interest in the public affairs of his community, rendering substantial aid to worthy institutions and to enterprises calculated to promote the public welfare, and it readily becomes intelligible that he should have been selected in 1893 by his fellow-citizens in the Fiftieth district for the highest political honor in their gift—the office of State Senator. Always a Republican, he was elected on a Republican ticket by a plurality exceeding 8,000 votes over his opponent, who had the support of the Democrats, Populists and Socialists. He was renominated for three successive terms without opposition and re-elected by increased pluralities at the elections of 1896,

1898 and 1900. In 1902 he was elected Lieutenant-Governor, having received a unanimous party nomination. And in 1904, the year of the last Presidential election, he was elected Governor with a plurality over his Democratic rival which exceeded 80,000 votes.

For thirteen years, from the beginning of 1894 to the close of 1906, Mr. Higgins devoted himself to the service of our State. I know no public man in the United States who in those years rendered such faithful and valuable public service and at the same time received so little recognition for it. Now that he is gone, and detraction and misrepresentation are busy with new objects, justice will, I believe, be done him by the people whom he served. Not forever, believe me, but only for a day, does the melancholy creed of the pessimist hold true:

> "The evil that men do lives after them,
> The good is oft interred with their bones."

Politics and Public Service.

I have failed in my purpose if I have not made it clear that Mr. Higgins, by the intrinsic qualities of his mind and character, by his training and experience in business, by his economic independence and by his interest in public affairs, was preeminently qualified to render effective service to the State, whether as a legislator or an administrator. Too many public offices are filled by men of the sort who ask: "What's in it for me?" But here was a high-minded, capable, well-trained man, himself

financially independent, who came to the Senate, not to get something for himself, but to render the best service he could to his State. The only guarantee of good government worth anything lies in the men who actually conduct the government. Constitution and laws are parchment and paper; the men who make and administer them are the animating and directing forces of government. Take him as he was, and I say he was at once an honor and a safeguard to any legislature in our Union. And I am confident that it is by inducing men of this stamp to enter the public service and to remain in that service that the character of our politics is to be elevated and ennobled. Yet how many prosperous business men in the State of New York are ready to follow the example set by Senator Higgins? Why, they denounce "the politicians" as thieves and plunderers, and yet they will not move a finger to aid in the supreme task of governing the State. Though the Commonwealth perish they must heap up fortunes!

It was different with Frank Wayland Higgins. During his first term as Senator I had the pleasure of making his acquaintance — an acquaintance which (though continued) I regret to say the divergency of our occupations and the distance which separated our homes prevented ripening into the intimacy of friendship. Our conversation turned upon the natural and congenial theme of public service. I have not forgotten, nor shall I ever forget, the earnest words with which he described the existing situation

and difficulties. "Look at the newspapers," he exclaimed. "They denounce all public servants as 'politicians' and all politicians as creatures who seek office to enrich themselves at the expense of the State. Now consider my own case. I am here at a sacrifice annually of thousands of dollars, but I am here because I desire to serve the State and work for the public welfare. The honor of this service has appealed to me also. But if low and discreditable motives are to be imputed to every man simply because he is a servant of the State public office will cease to be a place of honor and self-respecting men will avoid it."

Surely election by the people to a public office is no certificate of dishonesty in the candidate. It was a humiliating discovery for Mr. Higgins to find himself, because he was a Senator of the State of New York, ranked with heelers, grafters, and bribe-takers under the comprehensive and damnatory category of "the politicians." I invoke the memory of his stainless honor and integrity against this desecration of thought and language. Is it not high time that we recognized in politics the science and art of government and in politicians the fellow-citizens we elect to discharge that honorable function? The ancient Greeks, who gave us the terms, conceived of politics as the sister of ethics and they ranked their politicians among the wisest and best. The current conception of politics amongst us is a shame and reproach. I appeal to our people and to our newspapers to restore it to its historic dignity.

Especially in discussing politicians, let us abandon the folly and injustice of condemning the class as such and distinguish between grafters — and we shall always have grafters in politics as we have grafters in business and the professions — and high-minded, honorable, faithful, and effective public servants, like Frank Wayland Higgins.

On the Finance Committee.

The Senate, at any rate, showed its appreciation of the new member. Mr. Higgins was made Chairman of the Committee on Taxation and Retrenchment and a member of the Committee on Finance. He was kept on these committees during the entire period of his service in the Senate from 1894 to 1902, and from 1896 he was not only a member, but he was the Chairman of the Committee on Finance. As every one knows, the Finance Committee of the Senate and Ways and Means Committee of the Assembly control all State appropriations and exercise an enormous influence on the policy of taxation. They are, therefore, the most important of all legislative committees. And Mr. Higgins was Chairman of the Finance Committee of the Senate for a longer period than any other man in the history of our State. His training, his experience, his mental and moral qualities and habits all conspired to qualify him for the position. His administrative ability is confirmed by the following letter to him from President Roosevelt:

Frank Wayland Higgins

OYSTER BAY, N. Y., Sept. 18, 1904.

My dear Lieutenant-Governor:

Can you come to see me on Wednesday? You know without my needing to say, how pleased I am at your nomination. While I was Governor, and you were Chairman of the Finance Committee of the Senate, you and I were thrown very closely together and I have never had the good fortune to be thrown with any public servant of higher integrity, or of greater administrative ability. If you are elected, and I am confident you will be, the people of the State can rest in absolute confidence that the administration of the affairs at Albany will be conducted on the highest possible plane of efficiency and honesty.

With all regards, and with congratulation less to you than to the people of this commonwealth, believe me

Your friend,

THEODORE ROOSEVELT.

The greatest finance minister of modern times was Gladstone. I shall not commit the folly of comparing Governor Higgins with one of the three or four historic statesmen of the nineteenth century. But in their attitude towards public finance and their treatment of the problem of expenditure there are some real resemblances between the two — resemblances so striking and significant that I cannot forbear calling attention to them. The initial difference, however, is marked enough. For when Peel in 1841 offered Gladstone the post of

Vice-President of the Board of Trade (which was his first office) Gladstone, whose mind had hitherto ranged chiefly within the circle of ecclesiastical subjects, had to confess that he knew nothing whatever of the commerce of the country, and in deep mortification complained to himself that he was "set to govern packages." But there is place for statesmanship in the business of "governing packages," as Gladstone soon discovered. And his budget of 1860, which grew out of that experience, was one of the most stupendous achievements of his life. We are too apt to think of Gladstone as Prime Minister. But not only was his reputation in British politics won as a financier (and perhaps his financial reforms are the most abiding monuments of his genius) but he was Chancellor of the Exchequer under three different Prime Ministers and his connection with the treasury covered a longer period than was attained by the greatest of his predecessors. Hear then what this great minister of finance says of his functions and obligations:

"No Chancellor of the Exchequer is worth his salt who makes his own popularity either his first consideration, or any consideration at all, in administering the public purse. In my opinion the Chancellor of the Exchequer is the trusted and confidential steward of the public. He is under a sacred obligation with regard to all that he consents to spend."

Public Economy.

I ask you who knew Mr. Higgins whether Gladstone's manner of acting, thinking and speaking

about the financial service of the State was not habitual and deeply engrained in your late colleague? Was it not always before you when he was Chairman of the Finance Committee and Governor? For my own part I knew no man more deeply impressed with the sense of his stewardship to the public, more resolutely set on economy in expenditures, more ready to sacrifice his own popularity to safeguarding the treasury of the State. Economy, thrift of public money, resistance to wasteful or unnecessary outlays: this was the constant burden of his utterances. It would have been so easy to practice liberality, and purchase popularity, with the moneys of the State! But Mr. Higgins was too honest to approve a dubious appropriation, too brave and independent to care for the unpopularity which came with retrenchment.

His remarks and speeches during all these years in the Finance Committee have not been recorded. But the substance of them is preserved in the messages and public papers he issued as Governor. A good business man, he justly denounced as "bad public finance" an excess of running expenses over receipts. A wise administrator, he insisted, wherever possible, on balancing the account by effecting a reduction of expenditures rather than by an increase of revenues. The growing spirit of expenditure in the public service alarmed him as it alarmed Gladstone. And he strove to exorcise it, as Gladstone strove, by compelling the practice of rigid economy as an alternative to increased taxation. His study

and business training enabled him to realize and act upon Lecky's demonstration of how prominent a place a sound system of finance holds among the vital elements of a state's stability and well-being, how few political changes are worth purchasing by its sacrifice, and how widely and seriously human happiness is affected by excessive, injudicious, and unjust taxation.

Watchfulness in Expenditures.

Strict adherence to the principle of public economy is the fundamental virtue of a minister of finance. But it is not the only quality requisite to successful conduct of his office. The steward of the public purse must see that, when public money is appropriated, it is appropriated to the most deserving objects and that in its application to those objects it is wisely, economically, and fruitfully administered. In other words, the actual spending of the State must be regulated by strict business methods. Now Mr. Higgins's training and characteristics admirably qualified him to discharge this function. And no Chairman of the Finance Committee ever performed it with more painstaking care or conscientious fidelity. There are many State institutions and departments which this great commonwealth is called upon to maintain. And even in their ordinary operations there is opportunity, without any dishonesty in the managers, for wasteful or unnecessary expenditures. But these never escaped the sharp scrutiny of Mr. Higgins. He seemed to follow every dollar of public

money to its ultimate destination and to know if it was not producing the maximum of efficiency. And, that he might have the State finances, like his own personal business, always under his eye, he had kept at his home in Olean — and at his own expense — books of account showing the appropriations and expenditures for the various institutions, departments, and public works of the State. Should not these devoted services be remembered with gratitude? The modest man himself made no ado about them He was simply serving the State to the best of his ability. His experience, too, suggested legislation for the better regulation of certain public business, and he introduced two bills which were enacted into laws that have produced highly beneficial results. The one law makes it a misdemeanor for any State officer or manager of a State institution to let a contract for a sum in excess of the amount appropriated by the Legislature. The other, known as the Higgins Law, requires that all moneys received by a department, institution, or commission of the State shall be paid over to the State Treasurer and not paid out again except by an appropriation of the Legislature. It is the careful business man saying to his agents: "You shall spend only such money as I put at your disposal and you shall not spend a cent before you have it." And when he was Governor he surprised a member of a State commission who had asked for his approval of certain items of expenditure without vouchers by this laconic but characteristic lecture: "I must see every voucher for the expenditure of

every dollar for which I am responsible, and what is more I shall give careful consideration to the character of the expenditure before giving it my approval."

His Financial Measures.

But neither a reform in financial administration, nor a continuous scrutiny of expenditures, nor a deep-seated repugnance to waste, nor a spirit even of cheese-paring economy will relieve a minister of finance, in a growing and prosperous State, from the necessity of imposing new taxes to meet expenditures which legitimately and inevitably increase. In this State of New York expenditures for all objects not only mount with the rapid growth of the population, but in certain directions, for reasons we all know, they have enormously expanded in recent years. I have in mind especially the legislative appropriations for the maintenance of charitable institutions, formerly a charge on the counties, and for the improvement of the means of communication, which the people themselves have directly authorized. Mr. Higgins may have doubted the wisdom and expediency of spending so much money on the improvement of canals, but he pledged himself if elected Governor to carry out through an honest and efficient administration this mandate of the people. And as Chairman of the Finance Committee he was always intelligently and sympathetically interested in the other extraordinary burden I have mentioned—the public institutions of charity, for whose well-being and improvement he was,

indeed, universally recognized as a zealous worker. It was a question, then, of raising revenue to meet the largely augmented and continuously advancing financial obligations of the State. And it fell to Mr. Higgins more than to any other man to solve that difficult problem.

For many years he had been a student of Adam Smith and his successors in the science of public finance. As a member of a committee of the Senate commissioned to study and devise reforms in our State system of taxation he caused to be brought before the Committee in the City of New York through a long period of time many experts upon the perplexing questions of taxation and public finance, to all of which questions he gave long and laborious consideration.

A practical business man as well as a student of economics, he weighed both the soundness of a tax and its remote and ulterior results. This accounts for his attitude on the mortgage tax which, in spite of all the objections to which it is obnoxious, had at any rate the merit of potentiality to furnish revenue. On the whole, however, the surprising thing is that Mr. Higgins made so few mistakes in his financial measures. His Stock Transfer Act has, as he anticipated, produced a substantial revenue without appreciably burdening or even checking the business of stock-brokers. And the general policy of raising all State revenues by indirect taxation, which is or should be associated with the name of Mr. Higgins, is undoubtedly a great improvement on the general

property tax which it superseded and is likely to remain in operation till the phenomenon of increasing fortunes calls attention to the wisdom of an income tax to supplement our present inheritance tax, neither of which, in my judgment, should be allowed by the State to fall into the monopoly of the Federal government. Mr. Higgins' name, it may be said with truth, is writ large — and it is generally writ wisely and always honorably — over our present system of State taxation.

Nothing was more natural than the promotion of this Chairman of the Finance Committee to the office of Lieutenant-Governor and then his advancement to the highest office in the gift of the people of the State. He was nominated for Governor because he was the most available candidate in his party. And he accepted the nomination because it offered an opportunity for the highest public service. If any personal motive influenced him it was less ambition than the desire of an honor which would gratify the members of his family whom he loved so dearly.

Mr. Higgins as Governor.

In many respects, both on account of his long experience in public affairs and familiarity with the details of the needs of the State as well as a certain quality of the judicial temperament it was fitting that he should be Governor of the State. He demonstrated on a more conspicuous arena his old-time honesty, courage, independence, caution, conservatism, and scrupulous conscientiousness and fidelity

to duty. He held the office, too, at a time of political storm and stress. And though he himself had too much of the dignity and courage of the stoic ever to give a hint of his ill-health, the critical historian of the future will note that when he entered on his office he was a sick man and when he laid it down at the end of his term he was already in the valley of the shadow of death. The spectacle of this dying man going month after month about his daily duties bravely and loyally, ceasing not till even the last was performed, and then after life's fitful fever lying down quietly to sleep, is one which no mind can contemplate without admiration for its inspiring heroism or without sadness at the pathos of human existence.

The Governor and the Insurance Companies.

From that closing scene I return to Mr. Higgins's administration of the high office of Chief Executive of our State. The single business of most importance which came before him was the question of insurance investigation and legislation. It was, as you all recall, a matter of intense dramatic interest and of deep and general popular concern. Governor Higgins's conduct of this business exhibited the most characteristic qualities of his mind, and illustrated the most fundamental maxims of his administration. Immovable by newspaper clamor, he took his own time to consider whether the State should intervene and, if so, what it should do. He would neither bring the matter before the Legislature at its regular

session, nor would he call an extraordinary session for its consideration. Finally, however, it became clear to him that the situation called for a revision of the existing Insurance Law. And the Legislature being then in extraordinary session for another purpose, he recommended the appointment of a joint committee of the Senate and Assembly to investigate the operations of life insurance companies doing business in the State, for the purpose of preparing and recommending to the next regular session of the Legislature such legislation as might be adequate and proper to restore public confidence and to compel life insurance companies to conduct a safe, honest, and open business for the benefit of their policy holders. The splendid work performed by that Committee, of which Senator Armstrong was Chairman, and the valuable remedial legislation it placed upon the statute books, have become a part of our history; and our citizens have set upon it the stamp of their approval by electing the able and fearless counsel of the Committee Governor of the State, and that, too, under circumstances which peculiarly mark him as the object of their favor, their confidence, and their hope for the future. I owe it to the occasion to add that this gentleman, now "the rose and expectancy of our fair State," had already distinguished himself as counsel of the Gas Investigating Committee, of which Senator Stevens was Chairman, and that for this, his first official position, he was recommended by Governor Higgins.

His Appointments.

Mr. Higgins was a good judge of men. On turning over the newspapers of the period I find that, speaking generally, his appointments received approval as just, wise and well-considered. If, under the influence of imperfect knowledge, erroneous judgment, or the infirmities of failing health, he sometimes made a mistake, the exception only proves the validity of my general statement. I repeat that, whether you consider his appointments to judicial or to administrative offices, they were as a rule of a high order. And no man ever conceived more truly or formulated more clearly the obligations of the Governor in relation to public officials. "I believe it to be the duty of the Executive of the State," he declared, "to hold to strict accountability every official of the State Government, and I shall not be deterred by political or other considerations from a full and conscientious discharge of such duty."

There were two other maxims which Mr. Higgins emphasized as Chief Executive. One was the Governor's independence of the party boss, the other was the severance of the executive from the legislative and the judiciary.

The Governor and the Legislature.

It sounds simple, and it was doubtless the intention of the framers of the Constitution, that the Governor should attend to executive business and the Legislature to making laws. But the Constitution

itself makes it the duty of the Governor to recommend measures to the Legislature, and confers upon him the power of vetoing bills which the Legislature has passed. And under our party system of government consultation between the Governor and the legislative leaders of his party, especially in regard to the fate of measures which the Governor himself has recommended to the Legislature, is so natural that it has seemed inevitable. The success of the policies of the Executive and the success of the party at the polls have suggested a mutual understanding or condoned reciprocal pressure between the Governor and his party in the Legislature. This has been the general practice at Albany. It was the rule followed by Mr. Roosevelt when Governor, as it is the rule he has since followed as President. Mr. Higgins evidently desired to alter, if not to reverse it. He said, during the session of the Legislature in 1905: "I have left it to the Legislature to determine what acts it would send to me, only recommending by public message." Later in the year, however, he intervened in the contest for the vacant speakership and saw the Assembly organized in accordance with his predilections, which, of course, aided him in securing such legislative acts as he desired. And he opened his message of 1906 with an expression of "earnest hope and confident expectation that harmony and forbearance shall continue to characterize the relations between the Executive and the Legislature." On the whole, therefore, I think it questionable whether Mr. Higgins succeeded in drawing

as clear a line of demarcation between the executive and legislative departments as he really desired to do and apparently supposed that he had done. Altogether it must be pronounced a still unsettled question how far, under our party system, it is possible for a Governor to maintain a permanent position of stately isolation from the Legislature. Gladstone cites it as an illustration of the slowness of his political education that he had so habitually "thought of things only and not taken persons into view." Yet in spite of this tendency to ignore political potentates, with the people enthusiastically behind him, Gladstone succeeded all the same. For as Emerson says, "one man with God" is a majority, and the advocate of just and righteous government may always rely on *vox populi, vox Dei.*

The Governor and Bossism.

It is probable, too, that Mr. Higgins laid a good deal of stress in his own mind on the Governor's independence of a party boss. He had himself grown up under the boss system and was thoroughly conversant with all its methods and with all its results. If any aspect of the system had been wanting in his own political experience it was set down for his edification in the political history of our Commonwealth. For no State in the Union presents such a long and unbroken line of powerful autocrats as the State of New York. Beginning with the birth of the State in 1777, we have the names of George Clinton, the first elected and oft re-elected Governor;

In Memoriam

Alexander Hamilton, a statesman of world-wide reputation, but a poor leader of his followers; Aaron Burr, the hope of his party and the victim of unprincipled ambition; DeWitt Clinton, the builder of the Erie canal, the most autocratic of politicians; Martin Van Buren, the smoothest of diplomats and skillfulest manager of men; Thurlow Weed, most indefatigable of workers, the eyes and judgment of his party, the *alter ego* of Seward and finally the confidential adviser of Lincoln. And from the Civil war to the close of the nineteenth century the race of party autocrats, though with modifications of the type, has continued through Seymour and Tilden and Roscoe Conkling to men still living, whom in the last two decades we have seen holding the political destiny of New York in the hollow of their hands.

Only since the dawn of the twentieth century has the boss system fallen into decay. Claimants, indeed, there are for the vacant sceptre, but none has succeeded in grasping it. Nor, if I understand the conditions aright, can any party manager ever again establish a permanent dictatorship. The life-blood of the boss system lay in the spoils of office. But with the introduction of civil service reform and the general extension of the merit method of appointment the boss has lost the war-chest out of which he subsisted his followers and by which he maintained party discipline and upheld his own personal importance. The cohesive power of public office as victors' spoils is shattered to pieces. And the aspiring boss can to-day find no substitute.

For a brief interval, indeed, it seemed as though the decaying system might be re-established on a basis far more dangerous and far more immoral. A class of political managers appeared who undertook to secure valuable franchises and special legislative favors for corporations in return for contributions to the party treasury, or even for personal advantage to the managers and their lieutenants. But this nefarious business has aroused the indignation and evoked the opprobium of the pained and horrified conscience of our people, who are now imperiously demanding higher character and greater public spirit in the men who aspire to office and to party leadership. The boss, wielding absolute power over the destiny of his party to the extent even of controlling the official action of Governor and Legislature—and that merely because he "runs the machine" and marshals the forces to win elections—is gone—never again, I think, to return.

Of course we shall always have corrupt men in politics as elsewhere—men who sell their souls for a mess of pottage or for thirty pieces of silver. As political brigandage did not originate with the boss system, neither will it end with it. But even that system could not have maintained its vitality for a century and a quarter in our State had not many of the party autocrats been not only bosses of the machine, but also political leaders of extraordinary sagacity and ability. And there is always a demand and a place for political leaders. The difference between a political leader and a political boss—

though the two characters may sometimes be united in a single person—is that one is the engineer of the party machine, the other is the soul of the party, giving it the ideals and the policies by which alone it is kept alive or deserves to be kept alive. The demand of the American democracy in this twentieth century is for political leaders.

The administration of Governor Higgins fell between two epochs, one dead, the other waiting to be born. He turned his back on the boss system, in which he had been nurtured and under which he had done much of his best work as Chairman of the Finance Committee. He would have no boss over him as Governor. Neither, on the other hand, had he any desire to be a boss. As a constitutional officer of the State, he was determined to maintain his independence of external and irresponsible dictation or control. He would be no man's puppet, no mere clerical agent, no rubber-stamp. But, while he saw that the age of bossism was gone, and while he was resolutely set on his own official independence, he did believe in political leadership as is shown in what follows.

Retirement and Death.

His own conception of what he did and what he aimed to do was set forth in public statements written in September, 1906. Here is what he said:

"I am a confirmed believer in party organization and party leadership, but I have no faith in the boss whose loyalty to the people's representatives is measured by their personal allegiance to him. Such a

one serves his party only when he can compel his party to serve him.

"Two years ago I began my campaign with the pledge that I would, if elected, have an administration of my own. I have kept that pledge. By doing so, I have met opposition from those who believe that governors and legislators are safer public servants when they follow the guidance of a party boss than when they think for themselves and act on their own responsibility. I have incurred the displeasure of others who might have been friendly had I become their follower and sought the editorial sanctum for counsel and advice. But the party in its primaries has indorsed my administration throughout the State and elected delegates favorable to my renomination.

"I have long been conscious of the fact that the office has been exacting from me sacrifices that I can ill afford. I need time for rest and for attention to my personal affairs. The result of the contest in the primaries for the principle of executive independence has given courage to all who believe that the Governor should not be the puppet of the party organization and hope to all who deplore the supremacy of irresponsible political absolutism. It also leaves me free to gratify my personal inclination with honor and to withdraw my name from further consideration.

"I have not sought and I shall not accept a renomination."

But out of office, as in office, a man like Frank Wayland Higgins is a boon to any State. Alas! he

had scarcely laid down his office when the Great Reaper claimed his life. Few men in our State were so well qualified by character, training, and experience to aid in solving the great question which now presses upon us—a question we must solve wisely if the Republic is to endure.

New Political Problems.

We live in an age in which not only the management of parties but the constitution of parties are undergoing change. The modification and transformation of parties—nay, more, the dissolution and recreation of parties—are in constant progress, none the less rapid because for the most part going on silently and without observation. The fundamental difference of parties in this country through most of the nineteenth century lay in their respective attitudes to the Constitution, the one being a party of strict construction and the other a party of broad construction, making liberal use of the doctrine of implied powers. The former party has been the champion of State rights, the latter of a strong Federal government. This distinction between the two parties has, however, been gradually fading away, though quite recently it has been revived in criticisms of the centralizing policy of President Roosevelt.

Meanwhile wise and observing men in both parties have come to recognize that the constant enlargement of Federal functions and the growing consolidation of Federal powers are a real menace to the sovereignty of the States, and consequently to

the independent political life of their people, and worst of all to the habit of local self-government, which is, in a last analysis, the sheet anchor of our democratic Republic. This is a tendency to be resisted to the uttermost. For universal history and American experience alike confirm the maxim of Lord Acton that "divided, or rather multiplied, authorities are the foundation of good government."

Important as this consideration is, I do not expect to see schools of constitutional interpretation again becoming the bases of political parties. That *fundamentum divisionis*, which was inevitable at the beginning of our political history, had exhausted itself with the close of the Civil war and the settlement of the questions growing out of it.

More and more the center of gravity in politics has shifted from the constitutional to the economic sphere. The great majority of problems which today interest American voters are economic problems. It is economic problems which are transforming, recasting and recreating our political parties. And herein our history is but following the course of European history. "If we look over Europe," says Mr. Bryce, "we shall find that the grounds on which parties have been built and contests waged since the beginnings of free governments have been in substance but few. In the hostility of rich and poor, or of capital and labor, in the fears of the Haves and the desire of the Havenots, we perceive the most frequent ground, though it is often disguised."

Control of Corporations.

The form in which this problem has presented itself in the United States is that of control of corporations, especially the public service corporations. And he who considers the vast magnitude and irresponsibility of the power which one man or a few men can exercise through corporate organization, the amount of injustice they can practice or the injury they can inflict on the public, the alarming frequency with which they bribe or corrupt officials and legislators, will recognize that the task of regulating the management of corporations and narrowing the range of their action is imperative in the public interest, and that, though it is a task of colossal difficulty, it cannot longer be postponed.

That former Governor of our State, who has since been President of the United States, and who is today the most honored and trusted private citizen of our Republic, recently declared that, though much of the popular outcry against corporations was irrational, "there must be some form of governmental supervision, but it should be planned in a quiet hour, not in one of angry excitement." And conservative as Governor Higgins was, I think he recognized the pressing incumbency of this problem. Perhaps it was in his mind as the great issue of the day when he expressed his satisfaction with the action of the Saratoga convention and announced to his party that they had selected "the right man to head the ticket at this time."

Frank Wayland Higgins

It is a great loss to the State that Mr. Higgins is not here to co-operate with his wisdom and moderation in carrying out the program of providing effective State supervision of public service corporations, not in "angry excitement," which Mr. Cleveland properly deprecates, but in a spirit of justice and fair play, with due regard to the public interest on the one hand and the danger of mixing politics with business on the other, "without animosity toward rights of property, but with a just insistence upon the performance of public obligations," if I may appropriate the felicitous language of a recent speech of our present Governor.

The regulation of consolidated and incorporated capital is likely to be the problem of American politics for the next few years or even decades. No thoughtful man, acquainted with the lessons of human history, can survey the prospect which stretches before us without deep anxiety. It took a great civil war, extending over four years, with a sacrifice of hundreds of thousands of lives and an expenditure of millions of money, to dispose of the constitutional issue, on which American political parties formerly divided. Now that the contest of our parties is waged over economic questions—with corporations, indeed, in the foreground, but with the demand for a more equal distribution of worldly goods in the distance and the spectre of socialism hovering just beyond the horizon—what eye but the eye of Omniscience can divine whither and to what we are drifting. Yet we cannot idly fold our hands

or like cowards retreat. Whether we will or no, we must face and solve the politico-economic problems which the *Zeitgeist* has thrust upon us. But everything depends on the way in which we attempt the task and the spirit in which we go about it. The safety of States lies in the wisdom, the justice, the moderation and the civic righteousness of their citizens. If these fail us, the doom of our Republic is written in the history of Rome.

Rome's Lesson to America.

In all the vast and varied panorama of the history of mankind I know nothing so full of interest and instruction for this generation of American people as the later days of the Roman Republic—the century of the Gracchi, of Marius and Sulla, of Crassus and Cato, of Pompey and Julius Cæsar. When the older Gracchus appeared on the scene Rome was still a republic, though a republic which had undergone transformation from the earlier city-state with its centuries of courage, civic virtue and great achievement. Rome had become a world-power and was bearing the responsibilities and the burdens of empire. Her population was no longer a race of farmers; her citizens had left the soil and crowded into the cities. The blood of the native stock had become diluted with a foreign strain. The state itself was distracted by a contest between the popular Comitia and a senatorial oligarchy in which each claimed and strove to secure supreme sovereignty.

Unhappily for Rome a self-constituted saviour of society appeared who had eyes to see that the times were out of joint and conceit to believe that he was born to set them right. This man, who thought himself foreordained by the gods to be the regenerator of Rome, was Tiberius Gracchus. He was, says the historian, Oman:

"One of the most striking instances in history of the amount of evil that can be brought about by a thoroughly honest and well-meaning man, who is so entirely convinced of the righteousness of his own intentions and the wisdom of his own measures, that he is driven to regard any one who strives to hinder him as not only foolish but morally wicked. The type of exalted doctrinaire who exclaims that any constitutional check that hinders his plans must be swept away without further inquiry, that every political opponent is a bad man who must be crushed, has been known in many lands and ages, from ancient Greece down to the France of the Revolution."

Tiberius came forward as the champion of the small producers who had been driven out of business by the operations of the great capitalists. In those days, of course, wealth consisted in land, the business of manufacturing and transportation being of little account. And Tiberius had persuaded himself that the decay of freeholds, the decline of business on the small scale, was due to the machinations of the large operators who bought up the deserted farms and turned them into sheep ranches.

His simple device for the rehabilitation of Italian agriculture was the resumption by the State of lands which squatters, without any interference on the part of the State, had occupied for terms ranging from seventy to two hundred years, and of which, therefore, they supposed they had a perpetual lease, and the distribution of these lands among the petty farmers who had abandoned agriculture and were now sitting idly in the streets of Rome. And as Gracchus refused, in a pique, to grant compensation to extinguish the rights which undisturbed occupation had created, his "reforms" resulted in riot and massacre in which the reformer himself miserably perished. But his policy of confiscation without compensation launched the State upon a century of civil war and ruthless proscription, which ended in the overthrow of the Republic and the soulless despotism of the Cæsars.

Cato and Governor Higgins.

Let us hope that, warned by the lessons of history, the American people will address themselves to the settlement of the grave politico-economic question which now occupies all minds, with caution, with passionless sobriety, with the spirit of conservatism, and with a reverence on the one hand for the rights of persons, which alone makes citizenship worth enjoying, and on the other with a respect for the rights of property, which is the basal safeguard of all human civilization. It is not destiny, but individuals with free creative will and purpose, that

make or mar the course of the times. "Ten Catos," says the historian, "ten Catos might have saved the Roman Republic." And Cato was the honest, capable, old-fashioned, conservative Roman — and the best financial expert in the Senate.

Cato was the prototype of Frank Wayland Higgins — a man who by his character, his training, and his successful experience in politics and in business could have given us wise and patriotic advice in regard to the great and pressing political problem of our day. We have lost him, alas! But I have absolute confidence that the State which breeds such men will not be wanting in statesmen capable of the highest functions of government, or in citizens who make the atmosphere and mould the opinion in which alone statesmen can live and move and perform their great achievements. What we need to-day, to meet the rising tide of radicalism, is a wise and progressive conservatism — a conservatism with a disposition to maintain and a willingness to improve existing institutions. We shall indeed always have different parties and opposing policies. But the one safe principle for the guidance of all parties, and for the settlement not only of the question of the day but of all public questions is this: *tenacious of justice, tender of property, and true to the Constitution and the laws.*

Conclusion.

Yet it is not the picture of Mr. Higgins as a public servant but the image of the man himself

that lingers in the minds and hearts of those who knew him well, who enjoyed his friendship, or were the objects of his affection and devotion. I dare not presume to voice, nor would I desecrate, the deeps of their loving and hallowed memories. But I may perhaps be permitted to express the sentiments which each of them cherishes for their departed friend in words borrowed from our greatest poet:

"The dearest friend to me, the kindest man,
The best-conditioned and unwearied spirit
In doing courtesies."

Anthem by the choir of St. Peter's Church:

ALL ye who weep, O come to Me;
I will comfort you.
All ye who suffer, O come to Me;
I will console you.
All ye who mourn, O come to Me;
I am your peace.
All ye who die, O come to Me;
For life eternal.

Rt. Rev. Bishop Burke pronounced the following benediction:

Now, in the name of the Father, Son and Holy Ghost, amen, we beseech Thee, Almighty and Eternal God, to send down, for Jesus Christ's sake, a benediction upon all those who have taken part this night in this memorial service, and we humbly implore Thee, Almighty God, that Thy blessing may be set upon us and remain with us forever. Amen.